

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

The State of Texas, *et. al.*,

Plaintiffs,

v.

Google LLC,

Defendant.

Case No. 4:20-CV-957-SDJ

Hon. Sean D. Jordan

PLAINTIFFS' UNOPPOSED MOTION FOR LEAVE TO FILE UNDER SEAL

Plaintiff State of Texas, on behalf of the Plaintiff States, respectfully requests leave to file under seal Exhibits B-3 through B-13 (the “Exhibits”) to the Declaration of Brooke Smith in support of Plaintiffs’ Response in Opposition to Google’s 1404(a) Motion to Transfer Venue. The Exhibits reflect confidential and sensitive third-party information and highly confidential information produced by defendant Google LLC (“Google”).

The Court previously granted Plaintiffs’ Motion for Leave to File Unredacted Complaint Under Seal to protect confidential information produced by Google and third parties. (Dkt. 3.) On January 20, 2021, the Court also granted Google’s Unopposed Motion for Leave to File Under Seal, thereby sealing the entirety of Exhibit A to the Declaration of Andrew Rope in support of Google’s Motion to Transfer Venue. (Dkt. 33.) Google sought leave to file that exhibit under seal because it “identifie[d] a number of persons who are authors, senders, recipients, and/or custodians of documents” designated highly confidential by Google. (Dkt. 29.)

Plaintiffs seek to afford consistent treatment to the confidential third-party and Google information reflected in the Exhibits. Some of the Exhibits are declarations from potential third-

party witnesses who are likely to be adversely affected by public disclosure of their declarations. Similarly, public disclosure of these third-party declarations will likely discourage future third-party cooperation in this case. To date, the Exhibits have been protected from public disclosure, and filing under seal will ensure their continued confidentiality.

As instructed by the Court, the parties are in the process of negotiating a protective order to govern information such as that contained in the Exhibits. (Dkt. 35.) Until then, due to the highly confidential and sensitive nature of the third-party and Google information reflected in the Exhibits, Plaintiffs respectfully request that the Court grant Plaintiffs leave to file the Exhibits under seal.

Dated: February 2, 2021

/s/ Ashley Keller

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* Applications for pro hac vice forthcoming

Attorneys for Plaintiff State of Texas

On behalf of the Plaintiff States

CERTIFICATE OF CONFERENCE

Pursuant to Local Rule 7(h), I certify that Zeke DeRose, counsel for the State of Texas, conferred by teleconference about this Motion with Paul Yetter, counsel for Google, on January 29, 2021, and February 1, 2021. On February 1, 2021 Mr. Yetter confirmed by email that Google does not oppose this Motion For Leave to File Under Seal.

/s/ Ashley Keller
Ashley Keller

CERTIFICATE OF SERVICE

I certify that on February 2, 2021, this document was filed electronically in compliance with Local Rule CV-5(a) and served on all counsel who have consented to electronic service, per Local Rule CV-5(a)(3)(A).

/s/ Ashley Keller
Ashley Keller